

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 8065	DATE	1/2/2001
CASE TITLE	Melvin Jessup vs. National Railroad		


[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

--

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. For the reasons stated, Jessup's application is denied (3-1) and his motion for appointment of counsel is granted. (4-1) This Court hereby appoints Yvonne Owens, Owens & Associates, P.C., 135 South LaSalle St., Ste. 2700, Chicago, 60603 (312)-580-9917 to represent the plaintiff. This action is set for an initial status hearing on February 13, 2001 at 9:00 a.m.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	SN courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices	Document Number
				
			date docketed	
			docketing deputy initials	
			1/4/2001	
			date mailed notice	
			SN	
			mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MELVIN JESSUP,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER CORP.
R.869 CHI. UNION STATION-CHI.
60606,

Defendant.

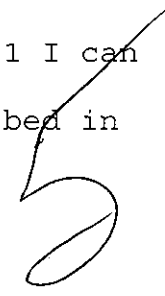
No. 00 C 8065

DOCKETED
JAN 08 2001

MEMORANDUM OPINION AND ORDER

Melvin Jessup ("Jessup") has submitted a Complaint of Employment Discrimination against his ex-employer National Railroad Passenger Corporation ("Amtrak"), using the form provided by this District Court Clerk's Office for use by civil litigants without lawyers. In addition, Jessup has accompanied his Complaint with a filled-out Application To Proceed Without Prepayment of Fees ("Application") and a filled-out Motion for Appointment of Counsel ("Motion"), each of which has also utilized Clerk-provided forms. For the reasons stated in this memorandum opinion and order, the Application is denied based on Jessup's undertaking in that respect, the Motion is granted and an initial status hearing date is established for this action to go forward.

First as to the Application, part of Jessup's filling out of the form includes his statement that "after January 1, 2001 I can pay filing fee." In that light, the Application as described in



its caption is denied, although Jessup's showing of his financial condition does justify the appointment of pro bono counsel.

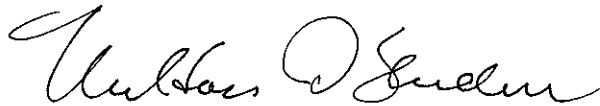
As for the Motion, then, it is granted. This Court has obtained the name of this member of this District Court's trial bar, who is hereby appointed to represent Jessup:

Yvonne Owens
Owens & Associates, P.C.
135 South LaSalle Street
Suite 2700
Chicago IL 60603
(312) 580-9917

From this Court's examination of the Complaint and the Charge of Discrimination that Jessup had lodged with EEOC as a precondition to filing this action, it is clear that both his appointed counsel and Amtrak's counsel should be prepared to address the issue of that Charge's timeliness at or before the initial status hearing. According to the Charge, Amtrak suspended and then terminated Jessup as a passenger train conductor back in August 1998, almost two years before Jessup filed his EEOC Charge in July 2000. But according to Jessup it was not until January 2000 that he learned that a younger female passenger agent had been involved in a like offense but was assertedly treated more favorably than Jessup had been (she was reinstated after her termination), so that it was only at that much later date that Jessup had reason to know or believe that he had received disparate (and hence assertedly discriminatory) treatment.

If then equitable tolling applies to the period between Jessup's own termination and his receipt of that additional information, his July 2000 filing of the Charge of Discrimination would be within the applicable 300-day time limit. If such is not the case, the Charge would have been untimely, and this action would be subject to dismissal.

That of course remains to be seen. In the meantime, this action is set for an initial status hearing date at 9 a.m. February 13, 2001.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur", written in dark ink.

Milton I. Shadur
Senior United States District Judge

Date: January 2, 2001